

**PUBLIC NOTICE: 04-27**

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND  
OPPORTUNITY TO COMMENT**

**AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND  
OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE  
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT.  
EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THESE  
PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS ASSESSING  
CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY ISSUE SUCH  
ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II PENALTY  
PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THESE PROPOSED  
ASSESSMENTS PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED RULES  
OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL**

**PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS”, 40 CODE OF FEDERAL REGULATIONS PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.**

**ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER OF ATLANTIC EXPRESS TRANSPORTATION GROUP, INC., 7 NORTH STREET, STATEN ISLAND, NEW YORK 10302 THE OWNER AND/OR OPERATOR OF THE TRANSPORTATION FACILITY LOCATED AT 7 NORTH STREET, STATEN ISLAND, NEW YORK 10302, DOCKET NO. CWA-02-2004-3302; FILED ON JUNE 28, 2004 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION II, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; PROPOSED PENALTY: \$22,000, FOR FAILURE TO SUBMIT, IMPLEMENT AND UPDATE A STORM WATER POLLUTION PREVENTION PLAN AS REQUIRED BY THE STORM WATER REGULATIONS.**

**FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENT, OR OTHERWISE PARTICIPATE IN ANY OF THESE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.**

**IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.**

**DATED: 6/30/2004 DORE LAPOSTA, DIRECTOR**

**DIVISION OF ENFORCEMENT AND  
COMPLIANCE ASSISTANCE**